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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

IN RE WAL-MART WAGE AND HOUR
EMPLOYMENT PRACTICE LITIGATION

MDL 1735

2:06-CV-00225-PMP-PAL
(BASE FILE)

THIS DOCUMENT RELATES TO:
ALL ACTIONS EXCEPT KING v.
WAL-MART STORES, INC., CASE NO.
07-1486-WY

**PLAINTIFFS' MOTION FOR APPEAL BOND
FOR OBJECTOR DEBORAH A. MADDOX**

**TO ALL PARTIES, OBJECTOR JESSICA GAONA AND THEIR ATTORNEYS OF
RECORD:**

PLEASE TAKE NOTICE that Co-Lead Counsel Robert Bonsignore together with the undersigned counsels hereby do move and submit this Motion for the Court to hold a hearing on a date to be set by the Court to determine the amount of the appeal bond to be posted by Objector Deborah A. Maddox and her attorneys and/or to act as otherwise deemed reasonable and just. Plaintiffs in this consolidated MDL 1735 case, with the exception of *King v. Wal-Mart Stores, et al.*, Case No. 07-1486-WY¹, hereby move this Court to require Objector Deborah A. Maddox to post a bond in the amount of \$610,988.03. Plaintiffs advance this Motion pursuant to Rule 7 of the Federal Rules of Appellate Procedure, 28 U.S.C. § 1961, Rule 39(e) of the Federal Rules of Appellate Procedure, Rule 39(c) of the Federal Rules of Appellate Procedure and the District Court's inherent power to require posting of an appeal bond for an Order.

In further support of this Motion are the following grounds more fully addressed in the accompanying memorandum: 1) Objector Maddox submitted no financial information to indicate she is financially unable to post a bond despite the opportunity to provide the Court with this information; 2) Objector Maddox is not a resident in a Ninth Circuit state and this factor is recognized as presenting significant difficulties in collecting Appellate Costs if the appeal is dismissed or otherwise unsuccessful; 3) Objector Maddox's appeal is likely to fail (Plaintiff's believe the appeal to be unsupported and otherwise meritless and in any event not likely to succeed); 4) the structure of the settlement is well accepted; 5) the fee award was found fair and appropriate under Ninth Circuit Law; 6) Class Counsel fees are not disproportionate to the benefit that is delivered to class members and after extensive review and consideration by this

1 Court, the Settlement was found fair, reasonable and adequate; 7) the Settlement followed
2 mandatory statutory procedure; 8) expert opinions support using the Settlement ceiling, not the
3 floor, as an appropriate figure to base fees on; 9) payment to class representatives and dismissing
4 named Plaintiffs was not excessive; 10) all Settlement provisions have been reviewed thoroughly
5 by the Court and both Preliminarily and Finally Approved, including the Approval Process for
6 Attorney's Fees; and 11) Defendant Wal-Mart did not Retain a Reversionary Interest in the
7 Settlement.
8

9 This Motion is based on the accompanying documents attached hereto:

10 I. Plaintiffs' Memorandum in Support of Plaintiffs' Motion for Appeal Bond
11 for Objector Deborah A. Maddox.

12 Attachments Include:

- 13 A. Deborah A. Maddox Deposition, October 12, 2009.
- 14 B. *Petty v. Wal-Mart Stores, Inc.*, 148 Ohio App. 3d 348 (2002).
- 15 C. Weiss, Deborah Cassens, "Is this 'Professional Objector' a Safety Check or
16 Frivolous Flyer?" *ABA Journal*, January 5, 2008
- 17 D. Meiser, Rebecca, "Edward Siegel is on a quest to either stop exorbitant
18 lawyer payouts or score some easy money," *Cleveland Scene*, January 4,
19 2008.
- 20 E. Professional Objector Edward Siegel's Class Action Motion for Award of
21 Fees, United States District Court District of Minnesota, August 25, 2009.

22 II. Declaration of Robert Bonsignore in Support of Plaintiffs' Motion for
23 Appeal Bond for Objector Deborah A. Maddox.

24 Attachments Include:

- 25 A. Docket no. 447-1, Notice to Take Deposition of Deborah A. Maddox,
26 October 6, 2009.
- 27 B. Ohio Order Granting Complaint for Discovery, October 9, 2009.

28 ¹ Counsel for Nancy Hall has not responded to a request to join in this request but at the same time has not indicated that he opposes it.

C. Exceptional Reporting Services, Inc. Transcript Invoice.

D. Cady Reporting Services, Inc. Invoice.

E. Travel Expenses of Robert Bonsignore.

F. Litigation Document Production, Inc. estimate.

III. Declaration of John O. Ward, Ph.D.

Attachment A: Curriculum Vitae of John O. Ward, Ph.D

IV. Declaration of Wendy Cole Lascher, Esq.

Attachment A: Curriculum Vitae of Wendy Cole Lascher, Esq.

Attachment B: 2008 Ninth Circuit Annual Report

V. Declaration of Amanda J. Myette Relating to Additional Administrative Costs During Appeal.

Plaintiffs respectfully request that this Court set a hold a hearing on a date to be set by the Court to determine the amount of the appeal bond to be posted by Objector Deborah A. Maddox and her attorneys and/or to otherwise act in a just and reasonable way.

Dated: December 29, 2009

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CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2009, a copy of the foregoing ***Plaintiffs' Motion for Appeal Bond for Objector Deborah A. Maddox*** was filed electronically [and served by mail on anyone unable to accept electronic filing]. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system [or by mail to anyone unable to accept electronic filing]. Parties may access this filing through the Court's system.

/s/ Robert J. Bonsignore
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